VILLAGE OF TUXEDO PARK BOARD OF TRUSTEES MEETING DECEMBER 12, 2007 7:30 P.M.

The regular monthly meeting of the Board of Trustees was held on Wednesday, December 12, 2007 at 7:30 p.m. in the Village Hall, 80 Lorillard Road, Tuxedo Park, NY 10987.

Present: Mayor Houston Stebbins

Deputy Mayor Lawrence Darby Trustee Christopher Hansen

Trustee Tinka Shaw

Trustee Charlotte Worthy

Clerk: Deborah Matthews

Also: John Ledwith, Sgt. Ken Sanford, Jeff Voss, Nancy Hays, Lucy Edwards, David DuPont,

David Morton, Mary Graetzer, Meg Vaught, Susan Goodfellow, Dena Steele, Michele Lindsay, Denis Miller, Sally Spooner, Peter Regna, Tom Salierno, Ed Stroz, Alan Heywood, Chiu-yin Hempel, Alexa Yannuzzi, Celeste Gebhardt, Doug Benedict David McFadden, Joan Riccardi, Denise Tavani, Todd Yannuzzi, Sally Sonne, Jake Lindsay,

and others

Mayor Stebbins called the meeting to order and led the Pledge of Allegiance.

REPORTS

<u>Mayor Stebbins</u>: Expressed his gratitude for everyone's hard work (board members, employees and committee volunteers). Many Village issues have been addressed but there are still more, such as evaluation and protection of our lakes; understaffing in the Police and DPW departments and the Village Office; guide rails and walls along Village roadways; and street light fixtures.

<u>Deputy Mayor Darby</u>: Reported that Department heads submit letters every month affirming they are within their budgets. All the Village expenses are within budget with the exception of legal expense which is over due to several lawsuits within the last year. However, the Village received reimbursement of \$24,900 from our insurance company for legal expenses related to the Regna-Lindsay lawsuit. The Village is also in the process of sending out BAR and PB related bills for consulting fees to various applicants of those boards, which go back a couple of years. So far \$160,000 has been billed out.

<u>Police</u>: Sgt. Sanford gave a synopsis of the month's activities. (A copy is attached.) He also reported that as a result of complaints about delivery trucks blocking the roadways, all delivery trucks must check in at the main gate and road conditions assessed before proceeding.

<u>DPW</u>: A copy is attached. Jeff Voss had no other information to report.

Advisory Committees:

<u>EAC</u>: Sally Spooner gave a report of the Committee which included a request to hire a lakes management consultant for all three lakes, which would be about \$50,000. The Committee asked the Board's permission to send out requests for indications of interest. The Board agreed.

Website Policy Committee: Chairman Ed Stroz reported that the Committee recommends the Trustees adopt specific policies regarding content posting on the Website and that all material be reviewed by the Web Administrator and then forwarded to a Web Manager for actual posting. In addition they recommend e-mail addresses gathered from the Website not be used for any other purpose unless authorized by the sender.

<u>EDAC</u>: Chairman Denis Miller reported that although the Committee mission statement has not yet been approved by the Trustees, the Committee has been working on developing a risk management plan for the Village.

<u>Village Engineer</u>: Richard Messer, Village Engineer from Weston & Sampson, gave an overview of current projects in the Village. (A copy is attached). These include: Copying of existing paper water and sewer maps, Wee Wah Dam Inspection, GIS Mapping, Yannuzzi Wall, Gruterich Wall, WWTP chemical shed Venting, Sewer Plant Building Cracking, Infrastructure Management Committee, BAR and PB Meeting.

The Board asked that an infrastructure and costs plan be developed and submitted to the Board in February 2008 for consideration during the 2008-2009 Budget year process.

BUILDING PERMITS

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the building permit application of Mr. & Mrs. Kai Olderog, Circuit Road, for the conversion of a garage into a living space, conversion of a deck into a 3-season room, and changes to second floor windows be approved (as approved by the BAR on 11/20/07) with the stipulation that professional fees be reimbursed before the permit is issued.

Vote of the Board: Trustee Shaw – aye

Trustee Hansen – aye Trustee Worthy – aye Deputy Mayor Darby –a ye Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the building permit application of Mr. & Mrs. Michael Granito, Tuxedo Road, for a garage addition on the first floor with a bedroom addition on the second floor be approved (as approved by the BAR on 11/20/07) with the stipulation that professional fees be reimbursed before the permit is issued.

Vote of the Board: Trustee Shaw – aye

Trustee Hansen – aye Trustee Worthy – aye Deputy Mayor Darby –a ye Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

PUBLIC COMMENTS

Resident Speakers: Peter Regna, David Morton, David duPont, Meg Vaught, Susan Goodfellow, David McFadden, Sally Sonne, Mary Graetzer

Comments Made: What is the Board's intention for re-assessing properties in a 'down market'; what is the procedure for amending the Village Code; will the Trustees appoint a liaison to monitor Tuxedo Reserve; what is the procedure for recycling; when is the Village going to hire more full time police officers

UNFINISHED BUSINESS

PUBLIC HEARING – LOCAL LAW INTRODUCTORY #1 OF 2007-FENCE LAW

Mayor Stebbins opened the public hearing at 9:22 p.m. There were no comments and the hearing was closed at 9:23 p.m.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that Local Law Introductory #1 of 2007-Fence Law be adopted as presented. (A copy is attached.)

Vote of the Board: Trustee Hansen – aye

Trustee Shaw – aye Trustee Worthy – aye Deputy Mayor Darby – aye Mayor Stebbins – aye

The local law was passed by a vote of 5-0.

NYS UNIFORM FIRE PREVENTION & BUILDING CODE

PB/BAR attorney Rick Golden reviewed the Uniform Code and concluded the Board of Trustees may adopt the State Minimum Standards by resolution. A local law is not required.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board of Trustees adopt certain Minimum Standards of New York State Uniform Code and direct the building inspector to enforce such Minimum Standards:

WHEREAS Part 1203.3 of Title 19 NYCRR of the official Compilation of Codes Rules and Regulations of New York State has been amended with respect to the minimum standards for administration and enforcement herein after called Minimum Standards of the New York State Uniform Fire Prevention and Building Code and

WHEREAS Section 36-3 of the Village Code provides that the building inspector and his deputies shall exercise all the powers and perform all the duties conferred by law and by the Board of Trustees including but not limited to the administration and enforcement of the Uniform Fire Prevention

and Building Code except as provided in the Village Code Chapter 53 (Fire Prevention) which falls under the responsibility of the Fire Warden,

NOW THEREFORE be it resolved that the Village of Tuxedo Park hereby adopts the Minimum Standards as amended and the Board of Trustees hereby directs the building inspector and his deputies to administer the Village Code in conformity with such amended Minimum Standards and as herein after amended by the State from time to time in conformity with applicable law.

Vote of the Board: Trustee Worthy – aye

Deputy Mayor Darby – aye Mayor Stebbins - aye Trustee Shaw – abstain Trustee Hansen – abstain

The motion was passed by a vote of 3 ayes and 2 abstentions.

GARBAGE CONTRACT RESOLUTION AMENDMENT

The purpose of the amendment to the garbage contract is to reflect the original bid price of Sterling Carting on the bid opening on September 20, 2007.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the Board of Trustees accepts in its entirety the bid proposal made by Sterling Carting on September 20, 2007, which included a fee for services of \$12,719.95 per month for its garbage collection as requested by the Village of Tuxedo Park in its bid documents. This resolution supersedes the Board of Trustees resolution dated November 1, 2007, which awarded this contract to Sterling Carting at a different price.

Vote of the Board: Trustee Shaw – aye

Trustee Hansen – aye Trustee Worthy – aye Deputy Mayor Darby – aye Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

WEE WAH BEACH CLUB DISCUSSION

Proposals for alternate methods of running the Wee Wah Beach Club and use of the Wee Wah Beach facilities were received. A lengthy discussion was held regarding the proposals, the Wee Wah Beach Club License Agreement, capital improvements at the Wee Wah Beach facility, and the health and maintenance of the lakes.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that a special Board of Trustees meeting be scheduled for Thursday, January 10, 2008 at 7:30 p.m. for a discussion of the Wee Wah Lake Beach facility license agreement proposals, and any additional proposals must be submitted no later than January 7th.

Vote of the Board: Trustee Worth – aye

Deputy Mayor Darby – aye Mayor Stebbins - - aye Trustee Hansen – aye Trustee Shaw – aye

The motion was passed by a 5-0 vote.

COMMITTEE MISSION STATEMENTS – Mayor Stebbins stated mission statements were received from VIAC and EDAC and will be presented to the Board at our next meeting.

NEW BUSINESS

WEE WAH DAM ENGINEERING CONTRACT PROPOSAL

A discussion was held regarding hiring Weston &Sampson to do an assessment of the repairs needed to be done on the Wee Wah Dam which would also require them subcontracting to a Marine Contractor. Trustee Darby recommends the proposal be reviewed by the Village Attorney.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that Weston & Sampson be asked to submit a proposal for the Wee Wah Dam not to exceed \$19,000 which would include 1) putting in maintenance stop logs upstream of the existing stop logs, 2) fixing the existing broken stop logs, 3) examining the base of the dam and making an assessment, and 4) taking out the maintenance stop logs, and that Trustee Shaw and Mayor Stebbins be authorized to accept or reject the contract bid on behalf of the Board of Trustees.

Vote of the Board: Trustee Shaw – aye

Trustee Hansen – aye Trustee Worthy – aye Deputy Mayor Darby – aye Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

INTRODUCTORY LOCAL LAW #1 OF 2008 - PB/BAR REDEFINED RESPONSIBILITIES

A discussion was held on the proposed law which originated by the Chairs of the Planning Board and Board of Architectural Review. A copy is attached. It will be further discussed at the January 10th special Trustees meeting.

NEW SCHEDULE FOR ESCROW DEPOSITS AND POLICY – was briefly discussed. PB/BAR attorney Rick Golden will be asked to prepare a new local law.

EXEMPTION FROM COUNTY TAXES-WATER FACILITY

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the Village of Tuxedo Park request from the County of Orange the exemption of County Taxes on Village water facilities located in the Town of Tuxedo known as Section 13-3-12 for the year 2009

Vote of the Board: Trustee Hansen – aye

Trustee Worthy – aye Trustee Shaw – aye Deputy Mayor Darby – aye Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board enter Executive Session at 12:30 a.m. to discuss current litigation, restitution and Village employee issues. The vote was 5-0 in favor.

REOPEN REGULAR SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Worthy to re-open Regular Session at 2:30 a.m. The vote was 5-0 in favor.

STERLING FOREST SETTLEMENT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby to accept the offer of restitution by Louis Heimbach (Sterling Forest LLC) and provide a release subject to approval by Village counsel.

Vote of the Board: Trustee Worthy – aye

Trustee Shaw – aye Trustee Hansen – aye Mayor Stebbins – aye Deputy Mayor Hays – aye

The motion was passed by a 5-0 vote.

AUDIT OF CLAIMS - Bills in the amount of \$157,017.40 for the General Fund, claim numbers 12--1 to 12-82, and \$8,395.28 for the Water Fund, claim numbers W12-1 to W12-9 were audited and ordered paid.

ADJOURNMENT

A motion was made by Mayor Stebbins, seconded by Trustee Darby that the meeting be adjourned at 2:32 a.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews Village Clerk-Treasurer